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1	UNITED STATES DISTRICT COURT
2	DISTRICT OF MASSACHUSETTS
3	CIVIL ACTION NO. 01-10194-DPW
4	
5	STEPHEN KEEFE, :
6	Plaintiff, :
7	V. :
8	LOCAT, 805, INTERNATIONAL :
9	LONGSHOREMEN'S ASSOCIATION AFL-CIO, :
10	LOCAL 800, LOCAL 799, :
11	Defendants. :
1.2	
13	Deposition of STEPHEN F. KEEFE, a witness
14	called by counsel for the Defendants, taken pursuant to
15	the applicable provisions of the Federal Rules of Civil
16	Procedure, before Rosemary F. Grogan, a Registered
17	Professional Reporter, CSR No. 112993, and Notary
1.8	Public in and for the Commonwealth of Massachusetts, at
19	the offices of Angoff, Goldman, Manning, Wanger &
20	Hynes, 45 Bromfield Street, Boston, Massachusetts, on
21	Tuesday, January 7, 2003, commencing at 11:40 a.m.
22	
23	O'BRIEN & LEVINE COURT REPORTING SERVICES
24	(617) 254-2909

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	2		4
1	APPEARANCES:	1	STEPHEN KEEFE, Deponent, having been duly
2	Representing the Plaintiff:	2	sworn, deposes and states as follows:
3	SCOTT A. LATHROP	3	The state of the s
1	122 Old Ayer Road	4	EXAMINATION BY MR. McMAHON:
5	Omton, MA 01450	5	EXAMINATION BY MIC MICHARION.
6	(978) 448-8234	6	BY MR. McMAHON:
7	(Fax) (978) 448-8244	7	Q. Mr. Keefe, you are the plaintiff in this
8	BY: SCOTT A. LATHROP, ESQLIRE	8	case?
9	,,	9	A. Yes.
10	Representing the Defendants;	10	
11	ANGOFF, GOLDMAN, MANNING, WANGER & HYNES, P.C.	11	Q. And what is your present residence address?
12	45 Bromfield Street	12	A. 17 Marion Street, Green Harbor, Massachusetts.
13	Boston, MA 021fl8	13	
14	(617) 723-5000	14	Q. What is your current hourly rate as a
15	Fax (617) 742-1615		longshoreman?
16	BY: JOHN F. McMAHON, ESQUIRE	15	A. \$27, I think,
17	The state of the s	16	Q. Is that the top rate?
18	Also present:	17	A. No.
19	James Langon	18	Q. Is it close to the top rate?
20	Richard Floherty	19	A. I don't know what the top rate is.
21	Timothy Keofe	20	Q. And it's about \$27 an hour?
22	Through Section	21	A. Yes.
23		22	Q. You had previously testified that offective
24		23	as of the date of Exhibit 11 in your deposition, that
-		24	you were only on the payroll of the John T, Clark and
		<u> </u>	<u>, </u>
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	3		5
]	INDEX	1	,
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	6	Ì	a
1	A. Yes.	i	pays?
2	Q. And for what years were you paid?	2	A. Yes.
3	A. Vacation pay, last year, I was paid, and	3	Q. In fact, did you ask a business agent for
4	one other prior year. I don't know what year it was.	4	Local 805 to intervene on your behalf to the Boston
5	Q. And was that because you had sufficient	5	Shipping Association to obtain holiday pay?
6	longshore hours accumulated in a year prior to the year	6	A. No.
7	of payment that you became entitled to vacation pay?	7	Q. Who gave you the holiday paycheck?
8	A. Yes.	8	A. The business agent
9	Q. Did you receive vacation pay in 1999?	9	Q. Did you have any prior discussions with the
10		τo	business agent about the holiday paycheck?
111	received the other vacation pay.	11	A. Yes, I'm entitled to it.
t2		12	Q. And were you told you were entitled to it?
13		113	A. Yes.
14		14	Q. And he went and got it for you; is that
15		15	correct?
16		16	A. Yeah, that's what he's supposed to do.
17		17	Q. And did he have to complain on your behalf
18		18	to the B.S.A. that you were eligible for the holiday
19		19	pay?
20		20	A. I was eligible.
21	• •	21	Q. Did he go to the B.S.A. and obtain
22		22	A. I don't know how that's done.
23		23	Q. But you went and told him you were eligible
24		24	for the holiday pay?
]-'	221 1211	l ~ '	rot the house, pay.
1		!	
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 		-	
1 2	Q. You also received another vacation pay	1 2	A. He should have given me a check without me
2	Q. You also received another vacation pay recently?	2	A. He should have given me a check without me going to him and telling him and I was eligible.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specific? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking
2 3 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specifie? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall?
2 3 3 4 4 5 6 6 7 7 8 9 10 11 12 13 14 15 16	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specifie? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year 2001?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring haf!? A. No, I don't think so.
22 33 44 55 66 77 88 99 100 111 122 133 144 155 166 177 188 199	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specific? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year 2001? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall? A. No, I don't think so. Q. Did an incident occur in the parking lot of
2 2 3 4 4 5 5 6 7 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specifie? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for the year 2000? A. No. Q. Did you receive holiday pay for the year 2001? A. No. Q. Did you receive holiday pay for the year	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall? A. No, I don't think so. Q. Did an incident occur in the parking tot of a hiring hall in which you required intervention of
2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specific? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year 2001? A. No. Q. Did you receive holiday pay for the year 2001? A. No. Q. Did you receive holiday pay for the year 2002?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall? A. No, I don't think so. Q. Did an incident occur in the parking lot of a hiring hall in which you required intervention of emergency medical technicians?
2 2 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specific? When you say, This year, are you MR. McMAHON: Strike that. Let me rephrase the question. BY MR. McMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year 2001? A. No. Q. Did you receive holiday pay for the year 2002? A. Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall? A. No, I don't think so. Q. Did an incident occur in the parking lot of a hiring hall in which you required intervention of emergency medical technicians? A. I don't know what you're talking about.
2 2 3 3 4 4 5 5 6 6 7 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. You also received another vacation pay recently? A. This year. Q. Were you paid holiday pay? A. When? Q. This year. A. Yes. Q. Were you paid holiday pay for the year? MR. LATHROP: Can you be specific? When you say, This year, are you— MR. McMAHON: Strike that. Let me rephrase the question. BY MR. MeMAHON: Q. Did you receive holiday pay for holidays in the year 2000? A. No. Q. Did you receive holiday pay for the year 2001? A. No. Q. Did you receive holiday pay for the year 2002? A. Yes. Q. And was that because you had worked	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. He should have given me a check without me going to him and telling him and I was eligible. Q. You made a complaint to him? A. I didn't complain. I asked him. Q. You asked him about it? A. Because I was eligible for it. Q. And he went and got the holiday pay; is that correct? A. Who? Q. The business agent. A. Yes. Q. Now, during the year 2000, were you disabled from working in the longshore industry? A. I had gotten into a car accident. Q. Did that car accident occur in the parking lot of a biring hall? A. No, I don't think so. Q. Did an incident occur in the parking lot of a hiring hall in which you required intervention of emergency medical technicians? A. I don't know what you're talking about. Q. Was there an incident in the hiring hall

10 1 A. No. 2 Q. Mr. Keefe, I would like to show you page 53 3 of your deposition on February 6th, 2002. And I want 4 you to read at page 53 into the record, lines 7 through 5 J3. 6 MR. LATHROP: I'm sorry, what page was 7 that? 8 MR. McMAHON: 53, 7 through 13. I want to 9 get the transcript so I'll have it for me as well. Off 10 the record for a moment. 11 (Off Record Discussion) 12 MR. McMAHON: Back on the record, please. 13 BY MR. McMAHON: Back on the record, please. 14 A. Yes. 15 asked: But in fact on May 24, 2000, you were working 16 as a longshore and also doing other work for 17 John T. Clark, isn't that true? Your answer was, Yes. 18 You were then asked: A ray ou still doing work 19 for John T. Clark cother than longshore work? Your 20 answer was, No. 21 However, in fact, as of May 24, 2000, and right 22 up until today you're on the office payroll of 23 John T. Clark; isn't that true? 24 A. Yes. 25 Q. And you were available to do work as it's 26 assigned to you by John T. Clark Company; isn't that 27 true? 28 A. Yes. 29 O. And you were available to do work as it's 29 of May 25 to 46 it, work, for John T. Clark & Sons 20 of the record in mind by poorly phrased for which 21 langlogize. 26 The question reads: Were you still continuing as of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 29 of May 25 to 46 it, work, for John T. Clark & Sons 20 other than lengshore work? 20 A. Yes. 21 Q. And again, you're on the office payroll of 21 John T. Clark for savignments other than longs		Stephen Reele v		ai 600, G ai.
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4 Q. But you still receive the equivalent health coverage? 5 13. 6 MR. LATHROP: I'm sorry, what page was that? 7 that? 8 MR. McMAHON: 53, 7 through 13. I want to get the transcript so I'll have it for me as well. Off the record for a moment. 9 get the transcript so I'll have it for me as well. Off the record for a moment. 10 (Off Record Discussion) 11 MR. McMAHON: Back on the record, please. 13 BY MR. McMAHON: Back on the record, please. 14 Q. On page 53 in the prior transcript, I asked: But in fact on May 24, 2000, you were working for John T. Clark, isn't that true? Your answer was, Yes. 17 You were then asked: Are you still doing work and so doing other work? Your answer was, No. 18 You were was, No. 19 Q. And you were available to do work as it's assigned to you by John T. Clark Company; isn't that true? 20 And you were available to do work as it's assigned to you by John T. Clark Company; isn't that true? 4 A. Yes. 5 Q. Again, if you would look at page 54, and lines three to four, and it's poorly phrased for which I apologize. 8 The question reads: Were you still continuing as of May 25 to do it, work, for John T. Clark & Sons other than longshore work? And your answer was, No. 11 A. Yes. 12 Q. Mra was there. (Indicating) 13 A. Whatever you have there. (Indicating) 14 A. Yes. 15 Timothy, is on? 16 A. It could be, yes. 17 Q. Do you lave the card with you? 18 A. No. 19 Do you need the card with you? 19 A. Yes. 10 Do you were available to do work as it's assigned to you by John T. Clark Company; isn't that true? 20 And are those notes part of your production of documents earlier in this case? 21 A. Yes. 22 A. Yes. 3 Q. And again, if you would look at page 54, and lines three to four, and it's poorly phrased for which I apologize. 3 The question reads: Were you still continuing as of May 25 to do it, work, for John T. Clark & Sons other than longshore work? 24 A. Yes. 25 Q. And again, you're on the office payroll of document? 26 A. Yes. 27 Q. And you were requested earlier t	3		1	
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assigned to you by John T, Clark Company; isn't that true? A. Yes. A. Yes. Q. Again, if you would look at page 54, and lines three to four, and it's poorly phrased for which tapologize. The question reads: Were you still continuing as other than longshore work? And your answer was, No. Am I correct? A. Yes. Q. And again, you're on the office payroll of to John T. Clark for assignments other than longshore work with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May this be marked as Your want to continue with the same numbers? MR. McMAHON: May the fill want to continue with the same numbers? MR. McMAHON: May the fill want to continue with the same numbers? MR. McMAHON: This wiff be Deposition began. Can you identify that document? A. It's for my lawyer. Q. Can you describe the nature of the document? A. It's my W-2s. Q. And you were requested earlier to p	1	Q. And you were available to do work as it's	ı	A. Whatever you have there. (Indicating)
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5 Q. Again, if you would look at page 54, and 6 lines three to four, and it's poorly phrased for which 7 I apologize. 8 The question reads: Were you still continuing as 9 of May 25 to do it, work, for John T. Clark & Sons 10 other than longshore work? And your answer was, No. 11 Am I correct? 12 A. Yes. 13 Q. And again, you're on the office payroll of 14 John T. Clark for assignments other than longshore work 15 even up until today; isn't that true? 16 A. Yes. 17 Q. Are you aware that in order to he in 18 Gang 11 you must be working exchasively at the 19 longshore pier in Boston? 5 MR. McMAHON: This wiff be Deposition 6 Exhibit No. 19. 7 (Exhibit 19 Marked for Identification) 8 BY MR, McMAHON: 9 Q. Mr. Keefe, before I inquire, you have a document before you and have had it since the deposition began. 10 document? 11 A. It's for my lawyer. 12 A. It's for my lawyer. 13 A. It's my W-2s. 14 Q. Can you describe the nature of the document? 15 document? 16 A. It's my W-2s. 17 Q. And you were requested earlier to produce your W-2s; isn't that correct? 18 your W-2s; isn't that correct? 19 A. I don't remember.	4	A. Yes.		
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other than longshore work? And your answer was, No. Am I correct? A. Yes, Q. And again, you're on the office payroll of John T. Clark for assignments other than longshore work even up until today; isn't that true? A. Yes, Q. Are you aware that in order to be in Gang H you must be working exchisively at the longshore pier in Boston? In document before you and have had it since the deposition began. Can you identify that document? A. It's for my lawyer. Q. Can you describe the nature of the document? A. It's my W-2s, Q. And you were requested earlier to produce your W-2s; isn't that correct? A. I don't remember.	9		9	
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16 A. Yes. 16 A. It's my W-2s. 17 Q. Are you aware that in order to be in 18 Gang 11 you must be working exchasively at the 19 longshore pier in Boston? 19 A. I don't remember.	15			
17 Q. Are you aware that in order to be in 18 Gang 11 you must be working exclusively at the 19 longshore pier in Boston? 19 A. I don't remember.		-	ı	
18 Gang 11 you must be working exclusively at the 18 your W-2s; isn't that correct? 19 longshore pier in Boston? 19 A. I don't remember.	17		l	· ·
19 longshore pier in Boston? 19 A. I don't remember,		-	18	
The state of the s	l .			•
Two de transfer to the four the four the feet of the first to the feet of the	20	A. Yes.	20	Q. We'll get to that in a few minutes.
21 Q. Now, are you still receiving health 21 Mr. Keefe, you have before you Deposition Exhibit	21	Q. Now, are you still receiving health	21	_

22 19. Do you have any other notes other than the notes

24 your appearance for work at the hiring hall?

[23] that are reflected in SK 101 through SK, [35 concerning

insurance from John T. Clark and Company?

Q. Are you eligible for the health insurance

22

23 24

	Stephen Keefe v.	Loc	al 805, et al.
	14		16
1	A. No.	1	Q. Can you read it?
2	Q. And can we stipulate that these are	2	A. Yes, it is July 21st, but it could have
3	documents that were produced by you in connection with	3	been an old slip that I had in my car.
4	the union's request for production of documents, and in	4	Q. So that the comments that are here, are
5	fact the SK and numbers thereafter arc Mr. Lathrop's	5	not - do not necessarily mean you lost pay on the
6	Bates stamp?	6	dates that are on the slips; am I correct?
7	MR. LATHROP: That's my version of the	7	A. Right.
R	Bates stamp, yes.	8	Q. If you look at SK 104, it refers to
9	BY MR. McMAIJON;	9	non-union men called before me, JS and KM were
10	Q. Now, looking again at SK 101 of Deposition	10	dispatchers; am I correct?
11	Exhibit 19, can you tell me the date of that item?	11	A. Right.
12	(Witness reviewing document)	12	Q. And in fact on that day did you get a job?
13	A. No.	13	A. I don't know.
ŧ4	 Q. Is that your handwriting on the item, Kevin 	14	Q. And again, this may be something you wrote.
15	Manning called; three non-union men before me, lost pay	15	on a stip with something in your car?
16	in hours?	16	A. Right,
17	A. Yes.	17	Q. And has no bearing whatsoever on the date?
18	Q. On each occasion that you lost pay in	18	A. On this particular date?
19	hours, did you make a note?	19	Q. Yes.
20	A. Yeah.	20	 Not that I know of, no.
21	Q. And how much pay and how many hours did you	21	Q. And again, if we go to SK 105, that seems
22	tose here?	22	to be dated February 10, 1999, Non-union man called
23	A. I don't know.	23	before me, JS and KM were the dispatchers.
24	Q. If you, again, look at SK 103, which is the	24	And again, you're telling us, so that I'm clear,
	15	Г	17:
1	next sheet, would you agree with me that reads July 22,	lι	that this was a slip which may have been in your car
2	1999?	2	and you just made a note on it?
3	A. Up there? (Indicating)	3	A. It could have been. This might be the slip
4	Q. Yes,	4	that I got.
5	A. Yeah.	5	Q. But you're not sure. Do you know if you
6	 Q. And it states in your handwriting, I 	6	were hired on February 10th, 1999?
7	believe, Lose four hours pay?	7	A. Yeah.
8	 I think that's probably — could have been 	8	Q. Look at SK 106. Again this is an
9	an old slip that I had in my car. I don't know if	9	assignment slip, and it repeats your complaint that a
10	that's that particular day or not.	10	nonunion man was hired before me; got the last job.

- Q. So it continues to read, Non-union man 11
- 12 hired before me. He got first gang. So assume on that
- day you got called on the 2nd? 13
- 14 A. Yes,
- Q. And how many hours would you have worked on 15
- the 2nd? 16
- Maybe four hours. 17
- Q. Was that as a fill-in or just a regular 18
- 19 gang assignment?
- 20 A. Fill-in.
- Q. Now, SK 102, which is actually the third 21
- 22 sheet of Deposition Exhibit 19, refers to lost eight
- 23 hours pay. Is that July 21, 1999?
- A. I don't know. 24

- rif you
- rint that a me; got the last job.
 - So you got a full day's work on that day?
- I don't know if I got a full day's work. 12
 - Q. You got a job? Got the last job?
- 14 Yeah, Α.

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13

15

18

20

23

- Q. Go to 107. Called me first. You got a 16 job; am I correct?
- 17 A. Yeah.
 - Q. 108, which appears to be a February 1999
- date, Got a job; am I correct? 19
 - A. Yeah.
- 21 Q. SK 109, Got a job; am I correct?
- 22 A. What are you asking me?
 - Q. Did you get a job on that day?
- 24 Λ. Үер,

		,	
	18		20
1	MR. LATHROP: Can we go off the record?	l t	A. No.
2	(Off Record Discussion)	1 2	Q. When you come to the hall and look for work
3	MR. LATHROP: We can stipulate that on a	3	as a casual, do you report to anyone?
4	day of assignment sheet that he got a job, he got that	4	A. No.
		1	
5	assignment that day, I can stipulate. We don't need to	5	Q. Do you just stood there and wait to be
6	establish that.	6	selected?
7	BY MR. McMAHON:	7	A. Yes,
8	Q. Now, do these reflect all of the days that	8	Q. Were you often selected during the period
9	you appeared looking for work at the hall?	9	1998 and 1999 for work?
10	A. No.	10	A. Yes.
11	Q. Do you have any record of the days that you	H	Q. Did you work 949 in 1999?
12	appeared looking for work?	12	(Witness reviewing document)
13	A. No.	13	A. Yes.
14	 Q. So other than these assignment slips, you 	14	Q. How many hours did you work in 2000?
15	have no document that you can look at and say. I was at	15	MR. LATHROP: Let the record reflect
16	the hall, I had my hand up, and I wasn't selected to	16	Mr. Keefe is simply looking at the document you handed
17	work; am I correct?	17	to him earlier.
18	A. No.	18	
		19	MR. McMAHON: 1 provided to him. A. 466 and a half hours.
19	Q. What document do you have?	4	
20	A. No, you're asking me if I have any	20	Q. During 2000, you were a member of Gang 12;
21	documents, I don't.	21	am I correct?
22	Q. So you have nothing to prove when you were	22	A. Yes.
23	at the hall?	23	Q. And would you look and see the number of
24	A. No.	24	hours Brian Manning worked in 2000?
1			
	19		21
,	Q. What's the process when you go in the half	1	(Witness reviewing document)
1 2		1 2	
	Q. What's the process when you go in the half	ı	(Witness reviewing document)
2	Q. What's the process when you go in the halfby which a dispatch slip is filled out?A. They call the gangs in, and whatever gang	2	(Witness reviewing document) A. They're not here.
2 3	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job.	2 3 4	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian
2 3 4 5	 Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that 	2 3	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes.
2 3 4 5 6	 Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half 	2 3 4 5 6	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for
2 3 4 5 6 7	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip?	2 3 4 5 6 7	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is
2 3 4 5 6 7 8	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip? A. No.	2 3 4 5 6 7 8	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is that correct?
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2 3 4 5 6 7 8 9	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip? A. No. Q. So, in effect, you can't prove the days that you were at the half looking for a job in 1998 or	2 3 4 5 6 7 8 9	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is that correct? A. Yes. Q. Now, again —
2 3 4 5 6 7 8 9 10	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip? A. No. Q. So, in effect, you can't prove the days that you were at the half looking for a job in 1998 or 1999 —	2 3 4 5 6 7 8 9 10	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is that correct? A. Yes. Q. Now, again — MR. LATHROP: Are we going to mark this as
2 3 4 5 6 7 8 9 10 11	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip? A. No. Q. So, in effect, you can't prove the days that you were at the half looking for a job in 1998 or 1999 MR. LATHROP: Objection.	2 3 4 5 6 7 8 9 10 11	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is that correct? A. Yes. Q. Now, again — MR. LATHROP: Are we going to mark this as an exhibit? I think to the extent you are relying upon
2 3 4 5 6 7 8 9 10 11 12 13	Q. What's the process when you go in the half by which a dispatch slip is filled out? A. They call the gangs in, and whatever gang you're in, you go to the window and get a job. Q. Is there any document which would show that on a particular date you were present at the half looking for a job other than a dispatch slip? A. No. Q. So, in effect, you can't prove the days that you were at the half looking for a job in 1998 or 1999 MR. LATHROP: Objection. Q. — and didn't get a job?	2 3 4 5 6 7 8 9 10 11 12	(Witness reviewing document) A. They're not here. Q. In the year 2000, did Mr. Manning, Brian Manning, work 1100 plus hours? A. Yes. Q. And in fact, you have priority for dispatching over Mr. Manning during the year 2000; is that correct? A. Yes. Q. Now, again — MR. LATHROP: Are we going to mark this as an exhibit? I think to the extent you are relying upon it, I would ask that it be marked as an exhibit.
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Stephen Keefe v. Local 805, et al.

22 24 1 Vacation. CONFIDENTIAL 1 2 You made vacation, but not holiday; is that 2 3 correct? 3 BY MR. McMAHON: 4 A. Right. 4 Q. Mr. Keefe, in 1998, you received a W-2 from 5 Q. And that's because you didn't work a number 5 John T. Clark & Son showing Social Security wages of 6 of hours? And you can control the number of hours you \$12,375.04. 6 work as a longshoreman by the frequency of your 7 Was that for longshore casual work? 8 appearances at the hall looking for work; isn't that 8 A. Which one are you referring to? In the 9 true? 9 bottom one or the top? 10 10 A. Yes. Q. This one, the bottom one. (Indicating) A. The bottom one is longshore work.]] Q. How many hours did you work in '02? 11 12 A. I don't know, I don't have that. 12 Q. And again, if I go to the second page. 13 Q. Was it fewer hours than you worked in '01? which is SK 6, it shows another W-2 from 13 A. I don't know. I don't have the -- I don't 14 I.T.O. Corporation of New England in the amount of 15 know how many hours I worked. 15 \$1,658.30. Is that also longshore work? 16 Q. But in '01, you were worked fewer hours 16 A. Yes. 17 than Brian Manning; is that correct? 17 Q. Now, is ITO Corporation another stevedore 18 A. Yes. 18 company? 19 Q. Yet, you have a priority in '01 over 19 A. Yes. 20 dispatch as between you and Brian Manning; isn't that 20 Q. And John T. Clark and Company was a 21 correct? 21 stevedore company? 22 A. Yes, but Brian Manning could have got phone 22 A. Yes. 23 calls after everybody left or whatever -- however, it 23 Q. Now, again, if I look on the top of the works down there. document, the first page, it also is a W-2 for 1998. 23 25 1 But in any event, would that suggest that and it shows reported W-2 wages of \$76,362, 2 you appeared fewer times looking for work than Brian 2 Was that money paid to you as a person on the 3 office payroll of John T. Clark during 1998? 3 Manning? 4 No, not necessarily. A. Yes. 4 5 Q. Without belaboring the point, let me ask 5 MR. McMAHON: Could this be marked as you to look at SK 3 of the same exhibit, and that 6 Deposition Exhibit 21, please? reflects a gross pay of, again, \$76,362 reported W-2 7 (Exhibit 21 Marked for Identification) 7 8 weges, John T. Clark. 8 BY MR. McMAHON: 9 And that's payment to you off the office payroll? Q Q. Mr. Keefe, I show you what has been marked 10 10 as Deposition Exhibit 21, which is marked Confidential, Yes, 11 Q. And if I look below, it shows reported W-2. 11 April 27, '02, SK 5. wages of \$21,579.85 on a W-2 issued from John T. Clark. 12 MR, McMAHON: I assume we can stipulate 12 is that for casual longshore work? 13 13 that's your version of the Bates stamp? MR, LATHROP: Yes, and we also marked the 14 A. Yes. 14 15 Q. If I look at the 1999 second sheet, it 15 Confidential. So can we mark this part of the deposition as being confidential? 16 refers to a W-2 from I.T.O. Corporation in the amount 16 17 17 of \$3,678,50. MR. McMAHON: As confidential, and the And is that for casual longshore work? gentlemen will sign a confidentiality agreement and 18 81 19 19 I'll give you copies of it. Q. So it's fair to say you made approximately 20 MR. LATHROP: That's fine. 20

\$25,000 in longshore work on a casual basis in 1999?

Q. And in addition to that, you were paid

21 22

23

24

A. Yes.

\$76,362 off the office payroll --

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	26		28
	A. Yes,	1	(Witness reviewing document)
2	Q. — from John T. Clark?	2	A. Yes.
3	A. Yes,	3	Q. And that's for longshore work?
4	Q. Again, if I refer to the 2000 W-2 carnings	4	A. No.
5	summary, the top and that's on SK 1 in reverse order	5	Q. What is that for?
6	when it came in,	6	A. Office work.
7	That refers, again, to a gross pay of \$76,362 off	7	Q. Well, if we go to the 2001 sheet, the top
8	the office payrolf? Top of the sheet, sir.	8	one that refers to a gross pay of
9	(Indicating)	9	A. No, that's for longshore work.
10	A. Yes.	10	Q. That's for longshore work the \$19,400?
11	Q. It also shows another W-2 from	ti	A. Yes.
12	John T. Clark and Company with gross pay of \$13,585,50,	12	Q. And then Northeast P and O Ports, N.E.,
13	and a second W-2 from L.T.O. showing gross pay of	13	Inc., is that also longshore work in the amount of
14	\$2603.50.	14	54,421.50?
15	Are the \$13,500 figure and the \$2600 figure	15	A. Yes.
16	carnings on longshore work on a casual basis?	16	Q. So in effect, you made approximately
17	A. Yes,	17	\$23,000 wages and a \$1,000 in vacation pay, and \$24,000
18	Q. And you were in Group 12 at that time; am I	18	in longshore work in 2001; is that correct?
19	correct?	19	A. Yes.
20	A. Yes.	20	Q. And you were a member of Group 12, Group 11
21	Q. Now, do you have any other W-2s with you?	2!	during 2001; is that correct?
22	A. Yes.	22	A. Yes.
23	Q. May I see them, please?	23	
24	(witness proffering document)	24	Q. Now, at the same time you were getting \$76,362 for office work from John T. Clark & Sons; am 1
١.,	(witness profitting (detailer)	24	570,502 for tiffice work from 50mm 1. Crank & Sons, and 1
	27		20.1
	DV MP Menantions	Ţ	29
- 2	BY MR. McMAHON:	I	correct?
2	BY MR. McMAHON; Q. Do you have your 2002 W-2 statement?	2	correct? A. Yes.
3	BY MR. McMAHON: Q. Do you have your 2002 W-2 statement? A. No.	2	A. Yes. Q. Now, are you still getting medical
2 3 4	BY MR. McMAHON; Q. Do you have your 2002 W-2 statement? A. No. MR. McMAHON; We'll make copies of this. I	2 3 4	CORRECT? A. Yes. Q. Now, are you still getting medical insurance coverage? I may have asked that
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	BY MR. McMAHON: Q. Do you have your 2002 W-2 statement? A. No. MR. McMAHON: We'll make copies of this. I want to make it an exhibit. MR. LATHROP: Obviously, I'm not in a position to mark confidential on it. MR. McMAHON: We'll treat it the same way. I have no problem with that. Okay? MR. LATHROP: Okay. (Short Recess) MR. McMAHON: Can this be marked as Deposition Exhibit 22? BY MR. McMAHON: Q. Mr. Keefe, I show you what has been marked as Deposition Exhibit 22. And again, let me ask you to turn to the last page. In that compilation it refers to a W-2 issued by B.S.A. Central Records Bureau, Inc., and wages of \$1,000. Do you know what those wages represent? A. A vacation check. Q. Let's go to the next page. And that's a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes. Q. Now, are you still getting medical insurance coverage? I may have asked that A. Yes. Q from John T. Clark & Son? A. Yes. Q. Are you a participant in the B.S.A., I.L.A. retirement fund? A. Yes. Q. And for how long have you been a participant? A. I don't know. Q. Had you received container royalty fund payments? A. Yes. Q. You received one payment? MR. I.ATHROP: To date? MR. McMAHON: To date. A. Three, I think. Q. Are you due another one? A. Yes.

	30		32
1	A. To complain, no.	1	amount for the period, October 1, 2000 through
2	Q. Did you inquire of someone about the	2	September 30th, 2001; am I correct?
3	container royalty fund?	3	A. No.
4	 Someone came to mc. 	4	Q. Would you
5	Q. And who came to you?	5	A. I think it's the year October through
6	Bernie O'Donnell.	6	September 2002.
7	Q. And Bernie O'Donnell is the president of] 7	Q. October 2001 through September 2002?
- 8	Local 805?	8	A. Right.
9	A. Yes.	9	Q. Now, again, in 2002, you were paid on the
10	Q. And he's also the East Coast ACD president?	10	office payroll of John T. Clark in the amount of
11	A. Yes.	11	\$76,000 plus; am I correct?
12	MR. McMAHON: Well, I want you to look at	12	A. 2002?
13	that.	13	Q. Yes.
14	MR, LATHROP: 1 think I've seen that.	14	A. I don't have that in front of me.
15	MR. McMAHON: I want you to look at that	15	Q. Were you paid that amount?
16	again. We'll make a copy of it and make it an exhibit.	16	A. I don't know.
17	BY MR. McMAHON:	17	
18	Q. Mr. Keefe, I'm glad to present you with the	18	Q. Were you paid from the office payroll in 2002?
19	container royalty fund check.	19	A. Yes.
20	A. Thank you,	20	Q. And what amount monthly were you paid?
21	Q. In the sum of —	2I	A. I'll have to check. I don't know.
22	MR. McMAHON: Let me make a copy of it and	22	
23	make that an exhibit as well.	23	Q. Would it be the same monthly amount that you were paid in 2001 and 2000?
24	(Exhibit 23 Marked for Identification)	24	A. It might have been. I don't know. I'll
	(Callor 25 Market 15 Markinson)		A, It high have been. From tknow. Th
•	31	İ	33
1	BY MR. McMAHON:]	have to look.
2	Q. Mr. Keefe, do you recognize Deposition	2	Q. Would it be in the same approximation of
3	Exhibit 23 as a container royalty fund check?	3	\$76,362 reflected in Exhibit 22, page one?
4	A. Yes.	4	A. I'll have to when I get home, I'll have
5	Q. Would that check bring you up to date on	5	to look. I'll look and sec.
6	all container royalty payments due to you?	6	Q. But we agree that there is another psycheck
7	A. Yes.	7	coming to you from John T. Clark in the year 2002,
8	MR. McMAHON: And note that I had delivered	8	other than a check for longshore work?
n	the original check in the amount of - whatever Exhibit	9	A. Another check?
10	23 is, to Mr. Keefe with apologies. We thought it was	10	Q. A psycheck
11	being handled it a different way.	11	A. No.
12	BY MR. McMAHON:	12	Q off the office payroll?
13	 Q. Are you paid container royalty funds for — 	13	A. From 2002?
14	in the next year after the year in which they were	14	Q. Yes.
15	earned?	15	A. No.
16	A. Yes.	16	Q. So you received you were not on the
17	Q. So the check that is Exhibit 23 reflects	17	office payroll in the year 2002?
18	hours in contract year '01 as opposed to '02; am l	18	A. Yes.
19	correct?	19	Q. You were on the office payroll?
1			· · · · · · · · · · · · · · ·
20	A. Yes.	20	A. Yes.
20 21	Yes, And the contract year is actually October	20 21	A. Yes. Q. And did you receive a check from the office

A. Yes, I just don't know how much it was for

22

23

24

through September; am I correct?

Q. So this reflects hours worked in some

A. Yes.

22 payroll?

24 that year,

23

Stephen Keefe v. Local 805, et al.

	34		36
1	Q. Was it significantly different than the	1	CERTIFICATION
2	same office payroll check in prior years?	2	
3	A. I have to check. I don't know off the top	3	 Rosemary F. Grogan, a Registered Professional
4	of my head.	4	Reporter and Notary Public duly commissioned and
5	MR. McMAHON: May I have a moment? We may	5	qualified in and for the Commonwealth of Massachusetts,
6	be finished. Let me take a moment and consult.	6	do hereby certify that STEPHEN KEEFE came before me
7	(Short Recess)	7	this 7th day of January, 2003, at Boston,
Ŕ	BY MR. McMAHON:	8	Massachusetts, and was by me duly sworn to testify to
9	Q. I have a correction to make with respect to	9 10	the truth as to his knowledge touching and concerning the matters in controversy in this cause; that he was
10	Exhibit 23. It is my understanding that this check is	11	thereupon examined upon his oath and said examination
	for the contract year, October 1, '98 through September	12	reduced to writing by me; and that the statement is a
11 12		13	true record of the testimony given by the witness, to
	30, '99.	14	the best of my knowledge and ability.
13	A. I don't know. I'm just I'm just going	15	I further certify that I am not a relative or
l	by what the date is on here,	16	employee of counsel/attorney for any of the parties,
15	MR, McMAHON: That was my understanding	17	nor a relative or employee of such parties, nor am I
l .	from the business agent.	18	Financially interested in the outcome of this action.
17	A. Is there any interest on this or anything	19	IN WITNESS WHEREOF, I have set my hand and affixed my notatial seal this 11th day of January, 2003.
18	when was this for?	20 21	my normal scar this 11th day of Dandary, 2003.
19	Q. There is going to be battle you should get	21	
I	anything, but we'll face that later.	22	Rosematy F. Grogan, RPR
21	A. What is this for?		CSR No. 112993
22	Q. It's for October 1, '98 through September	23	My Commission Expires:
	30, '99.	l	January 29, 2004
24	MR. McMAHON: Nothing further.	24	
	35		37
1	MR. LATHROP: I have nothing.	1	ERRATA SHEET DISTRIBUTION INFORMATION
2	(Deposition concluded at 12:50 p.m.)	2	DEPONENT'S ERRATA & SIGNATURE INSTRUCTIONS
3	(Deposition concluded at (2,50 p.m.)	3	
4		4	ERRATA SHEET DISTRIBUTION INFORMATION
5		5	The original of the Errata Shoot has been
б		6	delivered to Scott A. Lathrop, Esquire. When the
7		7	Errata Sheet has been completed by the depotent and
8		8	signed, a copy thereof should be delivered to each
9		9	party of record and the Original forwarded to John F.
10		10	McMahon, Esquire, to whom the original deposition
11		11	transcript was delivered.
12		12	The state of the s
13		13	INSTRUCTIONS TO DEPONENT
14		14	
15		15	After reading this valume of your
			deposition, please indicate any corrections or changes
16		16	to your testimony and the reasons therefor on the
17		17	Errata Sheet supplied to you and sign it. DO NOT make
10		18 19	marks or dotations on the transcript volume itself.
18		- 4	Add additional sheets, if necessary. Please refer to
19			the about instructions for small short discussion
19 20		20	the above instructions for errata sheet distribution
19 20 21		20 21	the above instructions for errata sheet distribution information.
19 20 21 22		20 21 22	
19 20 21		20 21	

Stephen Keefe v. Local 805, et al.

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1	SIGNATURE PAGE / ERRATA SHEET				
2	RE: Stephen Keefe Vs. Local 805, et al.				
3	DEPOSITION OF: Stephen Keefe - Vol. 11 1/7/03				
4	1, STEPHEN KEEFE, do hereby certify that [
5	have read the foregoing transcript of my testimony and				i
1					
6	it is a true and correct record of my testimony to the		!		
7	best of my knowledge and belief. Any corrections are				
8	noted below,				
9	PAGE LINE(S) READS SHOULD READ				
1					
l In					
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16					
17					
18	Signed under the poins and penulties of				
i	perjusy this day of, 2003.				
19					
20					
F	STEPHEN KEEFE DATE				
21					ì
l	Subscribed and sworp to before me this				
l					
22	day of, 2003.				
23			į		
ı	Notary Public				Ī
١,,					
24	My Commission Expires;				
_					
	'				